

Declaration Submitted

with Initial

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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 CFR 1.63)

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OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e))
required)

Attorney Docket Num	ber 42P16626
First Named Inventor	Nevo Idan
C	OMPLETE IF KNOWN
Application Number	10/698,175
Filing Date	October 30, 2003
Art Unit	2133
Examiner Name	To be assigned

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Power Mode Calibration for Add-on Cards on Mobile	e Platforms
(Title of the Invention)	
the specification of which	
is attached hereto.	
OR	
was filed on (if applicable):	
oras United States Application Number PCT International Application Number	10/698,175
and was amended on	(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior F	oreign	Applicat	tion(s)
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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Direct all co	rrespondence to:	🖾 . Customer Nu	mber	08791	or 🛚	Correspond	ence address below
Name	John P. Ward Blakely, Sokolof	f, Taylor & Zafma	n LLP				
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Country	USA	Tele	phone	(408) 720-8300		Fax	(408) 720-8383

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOI	LE OR FIRST I	NVENTOR:	☐ A petition has b	een filed for	this under	rsigned inventor
Full Name:			Nevo Io	lan		
		(First, Middle	[if any], Family Name	(or Surname), a	nd Suffix [if	any])
Inventor's Sign	ature			Date (08/Ar	12004
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Residence	Ya'akov, Israel			Citizenship	Israel	
	(C	ity , State, Coun	itry)			(Country)
Mailing Addres	s Bialik 5/6 2	Zichron			_	
	Ya'akov, 3	0900 Israel				

Full Name:		Igor Markov
		Family Name (or Surname), and Suffix [if any])
Inventor's Signatu	ire	Date <u>02/1472/04</u>
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	Haifa, 32588 Israel	
NAME OF THIRD	INVENTOR:	has been filed for this undersigned inventor
Full Name:	•	Alon Naveh
	(First, Middle [if any],	Family Name (or Surname), and Suffix [if any])
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	Ramat Hasharon, 47204 Israel	
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		Family Name (or Surname), and Suffix [if any])
Inventor's Signatu	ire	Date
Residence		Citizenship
Residence	(City, State, Country)	(Country)
Mailing Address	(City, State, Country)	(Country)
NAME OF FIFTH	INVENTOR:	has been filed for this undersigned inventor
Full Manage	_ ,	· ·
Full Name:	(First Middle lifanul	Family Name (or Surname), and Suffix [if any])
	(i irsi, miaaie [ij any],	Date
Inventor's Signatu	TA .	
Inventor's Signatu	ire	Bate
Inventor's Signatu	ire	
-	(City , State, Country)	Citizenship (Country)
-	(City , State, Country)	Citizenship (Country)
Residence		Citizenship (Country)

Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Vincent H. Anderson, Reg. No. 54,962; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Elena B. Dreszer, Reg. No. 55,128; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. 55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heileson, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. I also appoint Alan K. Aldous, Reg. No. 31,905; Rob D. Anderson, Reg. No. 33,826; Shireen I. Bacon, Reg. No. 40,494: Michael R. Barre, Reg. No. 44,023; Jay P. Beale, Reg. No. 50,901; R. Edward Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; George Chen, Reg. No. 50,807; Glen B. Choi, Reg. No. 43,546; Kenneth Cool, Reg. No. 40,570; Ted A. Crawford, Reg. No. 50,610; Robert A. Diehl, Reg. No. 40,992; Jeffrey S. Draeger, Reg. No. 41,000; Cynthia Thomas Faatz, Reg No. 39,973; James S. Finn, Reg. No. 38,450; Sanjay S. Gadkari, Reg. No. 55,796; Christopher K. Gagne, Reg. No. 36,142; Sharmini N. Green, Reg. No. 41,410; Robert A. Greenberg, Reg. No. 44,133; Bradley A. Greenwald, Reg. No. 34,341; David L. Guglielmi, Reg. No. 55,229; Robert D. Hinchliffe, Reg. No. 55,268; Jeffrey B. Huter, Reg. No. 41,086; B. Delano Jordan, Reg. No. 43,698; Seth Z. Kalson, Reg. No. 40,670; Issac Lin, Reg. No. 50,672; David C. Lundmark, Reg. No. 42,815; Anthony M. Martinez, Reg. No. 44,223; Larry Mennemeier, Reg. No. 51,003; Molly A. Mccall, Reg. No. 46,126; Paul Nagy, Reg. No. 37,896; Michael J. Nesheiwat, Reg. No. 47,819; Dennis A. Nicholls, Reg. No. 42,036; Kathy J. Ortiz, Reg. No. 54,351; Lanny L. Parker, Reg. No. 44,281; Cathy L. Peterson, Reg. No. 41,249; Michael D. Plimier, Reg. No. 43,004; Michael A. Proksch, Reg. No. 43,021; Kevin A. Reif, Reg. No. 36,381; Crystal D. Sayles, Reg. No. 44,318; Russell C. Scott, Reg. No. 43,103; Justin B. Scout, Reg. No. 54,431; Kenneth M. Seddon, Reg. No. 43,105; Mark Seeley, Reg. No. 32,299; Ami P. Shah, Reg. No. 42,143; David Simon, Reg. No. 32,756; Steven P. Skabrat, Reg. No. 36,279; Paul E. Steiner, Reg. No. 41,326; Joni D. Stutman-Horn, Reg. No. 42,173; David Tran, Reg. No. 50,804; John F. Travis, Reg. No. 43,203; Kerry D. Tweet, Reg. No. 45,959; Robert G. Winkle, Reg. No. 37,474; Rita M. Wisor, Reg. No. 41,382; Sharon Wong, Reg. No. 37,760; Steven D. Yates, Reg. No. 42,242; Calvin E. Wells; Reg. No. 43,256; and Charles K. Young, Reg. No. 39,435; my patent attorneys and my patent agents, of INTEL CORPORATION; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 CFR 1.63)

Declaration
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Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e))
required)

Attorney Docket Num	ber 42P16626
First Named Inventor	Nevo Idan
C	OMPLETE IF KNOWN
Application Number	10/698,175
Filing Date	October 30, 2003
Art Unit	2133
Examiner Name	To be assigned

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I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Power Mode Calibration for Add-on Cards on Mobile	Platforms
`	
(Title of the Invention)	·
the specification of which	
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or as United States Application Number PCT International Application Number	10/698,175
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	n Application hber(s)	Country	Foreign Filing Date . (MM/DD/YYYY) .	Priority Not Claime	
					Yes No
İ					_ ☐ Yes ☐ No
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f this docume nd revocation	ent) as my respe n, to prosecute the fice connected h	sted on Appendix A had to the patent attorneys application and to the rewith. Customer Number	s and patent agen transact all busin	ts, with full pess in the U	power of substitution
	hn P. Ward				
	akely, Sokoloff, T	aylor & Zafman LLP			
Address 12	400 Wilshire Bou	levard, 7th Floor			
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Country US	SA	Telephone	(408) 720-8300	Fax	(408) 720-838
statements ma	ade on information that the knowledge on the knowledge on the contract of the	nents made herein of on and belief are beli e that willful false stat under 18 U.S.C. 100	eved to be true; a tements and the li	nd further th ike so made rillful false st	at these statements are punishable by
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NAME OF SO Full Name: nventor's Sign	LE OR FIRST II	NVENTOR: A pe	ent issued thereon etition has been fil Nevo Idan Family Name (or Surn Date	ed for this u	ndersigned inventor
NAME OF SO Full Name: nventor's Sign	LE OR FIRST II	NVENTOR: A pe	ent issued thereon etition has been fil Nevo Idan Family Name (or Surn Date	ed for this un ame), and Suff	ndersigned inventor
eopardize the	nature Ya'akov, Israel	NVENTOR: A per (First, Middle [if any], First, State, Country)	ent issued thereon etition has been fil Nevo Idan Family Name (or Surn Date	ed for this un ame), and Suff	ndersigned inventor

C. U. Nomer					
Full Name:	· · · · · · · · · · · · · · · · · · ·		Igor Marko		1 C C 1 C
		Middle [if any],	· ·		ind Suffix [if any])
Inventor's Signatu	·e			Date	
Residence Hai	fa, Israel		· Ci	tizenship	Israel
,	· -	e, Country)			(Country)
Mailing Address	Maimon 42, apt. 1				
	Haifa, 32588 Israe	el			
NAME OF THIRD	INVENTOR:	A petition	has been filed	for this un	dersigned inventor
Full Name:			Alon Nave		•
		Middle [if any],	1		and Suffix [if any])
Inventor's Signatu	re U	on/ha		Date	7 Apr 200
Residence Rar	nat Hasharon, Israel		Ci	tizenship	
		e, Country)			(Country)
Mailing Address	97 Usishkin St Ramat Hasharon,				
Full Name:					
					10 00 00 1)
	•	Middle [if any],	•	_	and Suffix [if any])
Inventor's Signatu	•	Middle [if any],	•	Surname), a	ind Suffix [if any])
	•	Middle [if any],		Date	ind Suffix [if any])
Inventor's Signatu	re	Middle [if any],		_	ind Suffix [if any]) (Country)
	(City Stat	e, Country)		Date	
Residence	(City Stat			Date	
Residence	(City Stat	e, Country)		Date	
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Residence	(City , Stat	e, Country)	Ci	Date	(Country)
Residence Mailing Address NAME OF FIFTH	(City , Stat	e, Country)	Ci has been filed	Date	(Country)
Residence Mailing Address NAME OF FIFTH	(City , Stat	e, Country)	Ci has been filed Family Name (or	Date	(Country)
Residence Mailing Address NAME OF FIFTH Full Name:	(City , Stat	e, Country)	has been filed Family Name (or	Date tizenship for this un	(Country)
Residence Mailing Address NAME OF FIFTH Full Name: Inventor's Signatu	(City , Stat	e, Country)	has been filed Family Name (or	Date for this un Surname), a	(Country)
Residence Mailing Address NAME OF FIFTH Full Name: Inventor's Signatu	(City , Stat	e, Country) ☐ A petition Middle [if any],	has been filed Family Name (or	Date for this un Surname), a	(Country) dersigned inventor and Suffix [if any])
Residence Mailing Address NAME OF FIFTH Full Name: Inventor's Signatu Residence	(City , Stat	e, Country) ☐ A petition Middle [if any],	has been filed Family Name (or	Date for this un Surname), a	(Country) dersigned inventor and Suffix [if any])

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No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heileson, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Mark A. Kupanoff, Reg. No. 55,349; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. I also appoint Alan K. Aldous, Reg. No. 31,905; Rob D. Anderson, Reg. No. 33,826; Shireen I. Bacon, Reg. No. 40,494: Michael R. Barre, Reg. No. 44,023; Jay P. Beale, Reg. No. 50,901; R. Edward Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; George Chen, Reg. No. 50,807; Glen B. Choi, Reg. No. 43,546; Kenneth Cool, Reg. No. 40,570; Ted A. Crawford, Reg. No. 50,610; Robert A. Diehl, Reg. No. 40,992; Jeffrey S. Draeger, Reg. No. 41,000; Cynthia Thomas Faatz, Reg No. 39,973; James S. Finn, Reg. No. 38,450; Sanjay S. Gadkari, Reg. No. 55,796; Christopher K. Gagne, Reg. No. 36,142; Sharmini N. Green, Reg. No. 41,410; Robert A. 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Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.